

The Office Communication of May 21, 2002 stated that the response filed September 18, 2001 was unresponsive, for the following reasons: (1) the new claims were improperly numbered and (2) the application contained claims to non-elected inventions.

Misnumbered claims

New claims 10-15 were presented in the amendment of September 18, 2002. The Examiner renumbered these claims as 15-20. Applicants thank the Examiner for correcting the claim numbering, which is reflected in the present amendment.

Claims to non-elected inventions

The amendment filed September 18, 2002 was deemed unresponsive for listing claims to non-elected inventions. Applicants herein have amended the claims so that all pending claims correspond to elected Group I, drawn to methods of screening for a bioactive candidate capable of binding to a cell cycle protein R0101 (SEQ ID NO:2).

Applicants note that independent claim 15 recites the same process steps as originally elected claim 1, namely, a) combining a cell cycle protein R0101 and a bioactive agent, and b) determining binding of the bioactive agent to said cell cycle protein R0101. Independent claim 15 differs from original claim 1 only in that it further clarifies structural and functional characteristics of the R0101 protein, i.e., that the R0101 protein has about 95% identity to SEQ ID NO:2 and that the R0101 protein has the ability to bind to PCNA.

Dependent claims 16, 17, 20 and 21 provide further embodiments of the elected method of screening for a bioactive agent capable of binding to a cell cycle protein R0101 and do not read on non-elected Groups II-IV. Applicants therefore request entry of the claims in response to the Office Communication of May 21, 2002 and the Office Action dated August 10, 2001.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at the number listed below.

Respectfully submitted,



Annette S. Parent
Reg. No. 42,058

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: (415) 576-0300
ASP:dk
SF 1394718 v1



Luo *et al.*
Application No.: 09/420,092
Page 5

RECEIVED

OCT 23 2002

TECH CENTER 1600/2900

PATENT

APPENDIX A

VERSION WITH MARKINGS TO SHOW CHANGES MADE

15. (once amended) A method for screening for a bioactive agent capable of binding to the cell cycle protein R0101, comprising:

- a) combining said cell cycle protein R0101 and a candidate bioactive agent; and
- b) determining the binding of said candidate bioactive agent to said cell cycle protein R0101; wherein said cell cycle protein R0101 comprises an amino acid sequence having at least about 95% identity to the amino acid sequence set forth in SEQ ID NO:2 and wherein said cell cycle protein R0101 [will bind] binds to proliferating cell nuclear antigen (PCNA).

16. (once amended) A method according to Claim 15, [for screening for a bioactive agent capable of binding to the cell cycle protein R0101, comprising:

- a) combining said cell cycle protein R0101 and a candidate bioactive agent; and
- b) determining the binding of said candidate bioactive agent to said cell cycle protein R0101;] wherein said cell cycle protein R0101 comprises the amino acid sequence set forth in SEQ ID NO:2 [and wherein said cell cycle protein R0101 will bind to PCNA].

17. (once amended) A method according to Claim [10 or 11] 15, wherein a library of candidate bioactive agents is added to a plurality of cells comprising a recombinant nucleic acid encoding said R0101 protein.

20. (once amended) A method according to Claim [10 or 11] 15, further comprising determining the activity of said R0101 protein in the presence of said candidate bioactive agent.

21. (new) A method according to Claim 15, wherein step a) further comprises combining PCNA with said cell cycle protein R0101 and the candidate bioactive agent.



Luo *et al.*
Application No.: 09/420,092
Page 7

RECEIVED

OCT 23 2002

TECH CENTER 1600/2900

PATENT

APPENDIX B
PENDING CLAIMS

15. (once amended) A method for screening for a bioactive agent capable of binding to the cell cycle protein R0101, comprising:

a) combining said cell cycle protein R0101 and a candidate bioactive agent; and

b) determining the binding of said candidate bioactive agent to said cell cycle protein R0101; wherein said cell cycle protein R0101 comprises an amino acid sequence having at least about 95% identity to the amino acid sequence set forth in SEQ ID NO:2 and wherein said cell cycle protein R0101 binds to proliferating cell nuclear antigen (PCNA).

16. (once amended) A method according to Claim 15, wherein said cell cycle protein R0101 comprises the amino acid sequence set forth in SEQ ID NO:2.

17. (once amended) A method according to Claim 15, wherein a library of candidate bioactive agents is added to a plurality of cells comprising a recombinant nucleic acid encoding said R0101 protein.

20. (once amended) A method according to Claim 15, further comprising determining the activity of said R0101 protein in the presence of said candidate bioactive agent.

21. (new) A method according to Claim 15, wherein step a) further comprises combining PCNA with said cell cycle protein R0101 and the candidate bioactive agent.